

REMARKS

Claims 1-20 are pending in the application. Claims 11-20 stand rejected under 35 U.S.C. § 101. Claims 1 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0099567 A1 issued to Joao. Claims 2 and 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of U.S. Patent No. 6,785,718 B2 issued to Hancock et al. Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of Hancock and further in view of U.S. Patent Publication No. 2004/0030572 A1 issued to Campbell et al. Claims 7, 8 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of U.S. Patent Publication No. 2002/0120533 issued to Wiesenmaier et al. Claims 9, 10, 13, and 15-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of Wiesenmaier and Hancock. Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Joao in view of Wiesenmaier and Hancock, and further in view of Hancock and Campbell. Applicants respectfully traverse. Applicants respectfully request reconsideration and full allowance of all pending claims.

Applicants respectfully traverse the rejections under Section 101. Applicants note that both Claims 11 and 18 recite communicating freight claims, which involves delivery of freight claims, either physically or through a computer readable medium. Claim 18 recites building products and delivery of products. The delivery of products is related to freight claims for the delivery of products. Physically moving a product is a physical transformation of the product from one location to another. Applicants respectfully request that the Examiner withdraw the rejections under Section 101.

The Examiner maintains the rejections based on paragraph 182 of Joa, which describes a report made by a “shipment conveyance device computer,” not a customer. The decision of whether or what to report is not made by the receiver, but by the computer. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of Claims 1-17.

The Examiner extends Joa too far by assuming a need to re-build products leads to an automatic order placement to re-build products. The combination suggested by the Examiner

relies upon Applicants' invention as a template. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection and allow Claims 18-20.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at 512-338-9100.

The Commissioner is authorized to deduct any additional fees which may be necessary and to credit any overpayment to Deposit Account No. 502264.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on February 6, 2009.

/Robert W. Holland/

Respectfully submitted,

/Robert W. Holland/

Robert W. Holland
Attorney for Applicant(s)
Reg. No. 40,020